

EXHIBIT 1

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 Case No. 03-MDL-1570 (GBD) (SN)

5 -----x.

6 IN RE: TERRORIST ATTACKS ON
7 SEPTEMBER 11, 2001

8 -----x

April 7, 2021

9 2:25 p.m.

10
11 Videotaped Deposition via Zoom
12 of MATTHEW A. LEVITT, pursuant to Notice,
13 before Jineen Pavesi, a Registered
14 Professional Reporter, Registered Merit
15 Reporter, Certified Realtime Reporter and
16 Notary Public of the State of New York.
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<p style="text-align: right;">Page 2</p> <p>1 2 A P P E A R A N C E S : 3 COZEN O'CONNOR PC 4 1650 Market Street, Suite 2800 5 One Liberty Place 6 Philadelphia, Pennsylvania 19103 7 Attorneys for Plaintiffs 8 BY: J. SCOTT TARBUTTON, ESQ. 9 scarter@cozen.com 10 11 COZEN O'CONNOR PC 12 1055 Franklin Avenue 13 Garden City, New York 11530-2903 14 Attorneys for Plaintiffs 15 BY: SEAN CARTER, ESQ. 16 scarter1@cozen.com 17 18 ANDERSON KILL P.C. 19 1251 Avenue of the Americas 20 New York, New York 10020 21 Attorneys for Plaintiff O'Neill and 22 Plaintiffs' Executive Committee 23 BY: JERRY S. GOLDMAN, ESQ. 24 jgoldman@andersonkill.com 25 BRUCE STRONG, ESQ. bstrong@andersonkill.com 26 27 MOTLEY RICE, LLC 28 28 Bridgeside Boulevard 29 Mount Pleasant, South Carolina 29465 30 Attorneys for Plaintiffs in Burnett 31 Case and Plaintiffs' Executive 32 Committee for Personal Injury and 33 Death Claims 34 BY: ROBERT T. HAEFELE, ESQ. 35 rhaefele@motleyrice.com 36 C. ROSS HEYL, ESQ. 37 rhey1@motleyrice.com 38 JODI FLOWERS, ESQ. 39 jflowers@motleyrice.com 40 41 42</p>	<p style="text-align: right;">Page 4</p> <p>1 2 A P P E A R A N C E S (Continued): 3 JONES DAY 4 51 Louisiana Avenue NW 5 Washington, DC 20001 6 Attorneys for Dubai Islamic Bank 7 BY: STEVEN T. COTTREAU, ESQ. 8 scoftreau@jonesday.com 9 GABRIELLE PRITSKER, ESQ. 10 gpriksker@jonesday.com 11 SAHIL PATEL, ESQ. 12 sahilpatel@jonesday.com 13 ERIC SNYDER, ESQ. 14 esnyder@jonesday.com 15 16 OMAR T. MOHAMMEDI LLC 17 233 Broadway, Suite 820 18 New York, New York 10279-0815 19 Attorneys for World Assembly of 20 Muslim Youth 21 BY: OMAR T. MOHAMMEDI, ESQ. 22 omohammedi@otmlaw.com 23 JOSHUA MORRISON, ESQ. 24 jmorrisson@otmlaw.com 25 GOETZ & ECKLAND 26 615 First Avenue NE, Suite 425 27 Minneapolis, Minnesota 55413 28 Attorneys for WAMY - World Assembly 29 of Muslim Youth 30 BY: FREDERICK GOETZ, ESQ. 31 fgoetz@goetzeckland.com 32 SALERNO & ROTHSTEIN 33 221 Schultz Hill Road 34 Pine Plains, New York 12567 35 Attorneys for Yassin Kadi 36 BY: AMY ROTHSTEIN, ESQ. 37 amyrothsteinlaw@gmail.com 38 PETER SALERNO, ESQ. 39 peter.salerno.law@gmail.com 40 41 ALSO PRESENT: 42 KEN WILLIAMSON, The Video Technician 43 MICHAEL TOTH, Veritext Concierge Tech</p>
<p style="text-align: right;">Page 3</p> <p>1 2 A P P E A R A N C E S (continued): 3 KREINDLER & KREINDLER, LLP 4 750 Third Avenue 5 New York, New York 10017 6 Attorneys for Plaintiffs' Executive 7 Committee 8 BY: ANDREW J. MALONEY, III, ESQ. 9 amaloney@kreindler.com 10 11 LEWIS BAACH KAUFMANN MIDDLEMISS PLLC 12 1101 New York Avenue NW, Suite 1000 13 Washington, DC 20005 14 Attorneys for Muslim World League and 15 International Islamic Relief 16 Organization, Dr. Abdullah Al Turki, 17 Dr. Adnan Basha, Dr. Abdullah Al 18 Obaid and Dr. Abdullah Naseef 19 BY: ERIC LEWIS, ESQ. 20 eric.lewis@lbkmlaw.com 21 AISHA BEMBRY, ESQ. 22 aisha.bembry@lbkmlaw.com 23 KELLYANN McBRIDE, ESQ. 24 kellyann.mcbride@lewisbaach.com 25 NOUR SOUBANI, ESQ. 26 nour.soubani@lbkmlaw.com 27 SUMAYYA KHATIB, ESQ. 28 sumayya.khatib@lbkmlaw.com 29 WALEED NASSAR, ESQ. 30 waleed.nassar@lbkmlaw.com 31 32 BERNABEI & KABAT PLLC 33 1400 16th Street NW, Suite 500 34 Washington, DC 20009 35 Attorneys for Dr. Abdullah Al Turki, 36 Dr. Adnan Basha, Dr. Abdullah Al 37 Obaid and Dr. Abdullah Naseef 38 BY: ALAN KABAT, ESQ. 39 kabat@bernabeipllc.com 40 41 42</p>	<p style="text-align: right;">Page 5</p> <p>1 2 S T I P U L A T I O N S 3 4 IT IS HEREBY STIPULATED AND AGREED by 5 and between the Attorneys for the 6 respective parties hereto that filing and 7 sealing be and the same are hereby waived. 8 IT IS FURTHER STIPULATED AND AGREED 9 that all objections except as to the form 10 of the question, shall be reserved to the 11 time of the trial. 12 IT IS FURTHER STIPULATED AND AGREED 13 that the within examination may be signed 14 and sworn to before any notary public with 15 the same force and effect as though signed 16 and sworn to before this Court. 17 18 19 20 21 22 23 24 25</p>

<p style="text-align: right;">Page 6</p> <p>1</p> <p>2 THE VIDEO TECHNICIAN: We are on</p> <p>3 the record, the time is 2:25 p.m. eastern</p> <p>4 daylight time on April 7, 2021.</p> <p>5 Please note your microphones</p> <p>6 are sensitive and will pick up whispering</p> <p>7 and private conversations and cellular</p> <p>8 interference.</p> <p>9 Please turn off all cell phones</p> <p>10 or place them away from the microphones as</p> <p>11 they will interfere with the audio.</p> <p>12 Audio and video recording will</p> <p>13 continue to take place unless all parties</p> <p>14 agree to go off the record.</p> <p>15 This is media unit 1 of the</p> <p>16 video recorded deposition of Dr. Matthew</p> <p>17 A. Levitt in the matter of Terrorist</p> <p>18 Attacks on September 11, 2001, in the</p> <p>19 cases filed in the United States District</p> <p>20 Court, Southern District of New York, Case</p> <p>21 No. 03 MDL-1570 (GBD) (SN).</p> <p>22 The deposition is being held</p> <p>23 via zoom conference.</p> <p>24 My name is Ken Williamson for</p> <p>25 the firm Veritext New York, I am the</p>	<p style="text-align: right;">Page 8</p> <p>1</p> <p>2 in the room with us and I suspect may be</p> <p>3 be coming and going as we try to navigate</p> <p>4 this technology.</p> <p>5 I guess I will begin --</p> <p>6 Mr. Haeefe, do you want to enter your</p> <p>7 appearance on the video record.</p> <p>8 MR. HAEFELE: Yes, please,</p> <p>9 Mr. Lewis.</p> <p>10 My name is Robert Haeefe, a</p> <p>11 lawyer from Motley Rice LLC in Mount</p> <p>12 Pleasant, South Carolina.</p> <p>13 My firm represents a number of</p> <p>14 plaintiffs in the Burnett and other cases</p> <p>15 and as well as the plaintiffs' executive</p> <p>16 committees.</p> <p>17 THE VIDEO TECHNICIAN: Thank</p> <p>18 you.</p> <p>19 The rest of counsel that are</p> <p>20 appearing today will appear on the</p> <p>21 stenographic record only.</p> <p>22 At this time will our court</p> <p>23 reporter please swear in our witness and</p> <p>24 we may proceed.</p> <p>25 M A T T H E W A. L E V I T T,</p>
<p style="text-align: right;">Page 7</p> <p>1</p> <p>2 videographer; the court reporter is Jineen</p> <p>3 Pavesi, also with Veritext New York; our</p> <p>4 concierge is Michael Toth with Veritext</p> <p>5 New York.</p> <p>6 I am not authorized to</p> <p>7 administer an oath, I am not related to</p> <p>8 any party in this action, nor am I</p> <p>9 financially interested in the outcome.</p> <p>10 Counsel, please identify</p> <p>11 yourselves and state your appearances for</p> <p>12 the record.</p> <p>13 MR. LEWIS: Good afternoon, my</p> <p>14 name is Eric Lewis of the law firm of</p> <p>15 Lewis Baach Kaufmann Middlemiss.</p> <p>16 Our firm represents the</p> <p>17 International Islamic Relief Organization</p> <p>18 and the Muslim World League as well as</p> <p>19 certain individual defendants who were</p> <p>20 officers of that league.</p> <p>21 With me in our conference room</p> <p>22 at our office are my partners, Waleed</p> <p>23 Nassar, Aisha Bemby and our colleague</p> <p>24 Nour Soubani and our director of</p> <p>25 information technology, Mr. Harrington, is</p>	<p style="text-align: right;">Page 9</p> <p>1</p> <p>2 having first been duly sworn by a Notary</p> <p>3 Public of the State of New York, was</p> <p>4 examined and testified as follows:</p> <p>5 EXAMINATION BY</p> <p>6 MR. LEWIS:</p> <p>7 Q. Good afternoon, Dr. Levitt.</p> <p>8 I have asked to premark your</p> <p>9 report with exhibits and you have also</p> <p>10 submitted a rebuttal report in this case,</p> <p>11 is that correct?</p> <p>12 A. Correct.</p> <p>13 Q. Are you going to be offering</p> <p>14 any opinions as an expert in this case</p> <p>15 other than what is contained in your first</p> <p>16 report and in your rebuttal report?</p> <p>17 A. No, if something is asked of me</p> <p>18 that somehow goes beyond that, I suppose I</p> <p>19 can answer, but it's not my intention to</p> <p>20 testify beyond the material that I've</p> <p>21 provided in those two reports.</p> <p>22 Q. Dr. Levitt, how did you prepare</p> <p>23 for today's deposition?</p> <p>24 A. I reviewed these reports, there</p> <p>25 was a conference call with plaintiffs'</p>

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6 IN RE: TERRORIST ATTACKS ON
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April 8, 2021

9 9:10 a.m.

10
11 Continued Videotaped Deposition
12 via Zoom of MATTHEW A. LEVITT, pursuant to
13 Adjournment, before Jineen Pavesi, a
14 Registered Professional Reporter,
15 Registered Merit Reporter, Certified
16 Realtime Reporter and Notary Public of the
17 State of New York.

<p style="text-align: right;">Page 188</p> <p>1 2 A P P E A R A N C E S : 3 COZEN O'CONNOR PC 4 1650 Market Street, Suite 2800 5 One Liberty Place 6 Philadelphia, Pennsylvania 19103 7 Attorneys for Plaintiffs 8 BY: J. SCOTT TARBUTTON, ESQ. 9 scarter@cozen.com 10 COZEN O'CONNOR PC 11 1055 Franklin Avenue 12 Garden City, New York 11530-2903 13 Attorneys for Plaintiffs 14 BY: SEAN CARTER, ESQ. 15 scarter1@cozen.com 16 17 ANDERSON KILL P.C. 18 1251 Avenue of the Americas 19 New York, New York 10020 20 Attorneys for Plaintiff O'Neill and 21 Plaintiffs' Executive Committee 22 BY: JERRY S. GOLDMAN, ESQ. 23 jgoldman@andersonkill.com 24 BRUCE STRONG, ESQ. 25 bstrong@andersonkill.com 26 27 MOTLEY RICE, LLC 28 28 Bridgeside Boulevard 29 Mount Pleasant, South Carolina 29465 30 Attorneys for Attorneys for 31 Plaintiffs in Burnett Case and 32 Plaintiffs' Executive Committee for 33 Personal Injury and Death Claims 34 Witness 35 BY: ROBERT T. HAEFELE, ESQ. 36 rhaeefe@motleyrice.com 37 C. ROSS HEYL, ESQ. 38 rhey1@motleyrice.com 39 JODI FLOWERS, ESQ. 40 jflowers@motleyrice.com 41 42 43 44 45</p>	<p style="text-align: right;">Page 190</p> <p>1 2 A P P E A R A N C E S (Continued): 3 JONES DAY 4 51 Louisiana Avenue NW 5 Washington, DC 20001 6 Attorneys for Dubai Islamic Bank 7 BY: STEVEN T. COTTREAU, ESQ. 8 scoftreau@jonesday.com 9 GABRIELLE PRITSKER, ESQ. 10 gpriksker@jonesday.com 11 SAHIL PATEL, ESQ. 12 sahilpatel@jonesday.com 13 ERIC SNYDER, ESQ. 14 esnyder@jonesday.com 15 OMAR T. MOHAMMEDI LLC 16 233 Broadway, Suite 820 17 New York, New York 10279-0815 18 Attorneys for World Assembly of 19 Muslim Youth 20 BY: OMAR T. MOHAMMEDI, ESQ. 21 omohammedi@otmlaw.com 22 JOSHUA MORRISON, ESQ. 23 jmorrisson@otmlaw.com 24 GOETZ & ECKLAND 25 615 First Avenue NE, Suite 425 26 Minneapolis, Minnesota 55413 27 Attorneys for WAMY - World Assembly 28 of Muslim Youth 29 BY: FREDERICK GOETZ, ESQ. 30 fgoetz@goetzeckland.com 31 SALERNO & ROTHSTEIN 32 221 Schultz Hill Road 33 Pine Plains, New York 12567 34 Attorneys for Yassin Kadi 35 BY: AMY ROTHSTEIN, ESQ. 36 amyrothsteinlaw@gmail.com 37 PETER SALERNO, ESQ. 38 peter.salerno.law@gmail.com 39 40 41 ALSO PRESENT: 42 KEN WILLIAMSON, The Video Technician 43 MICHAEL TOTH, Veritext Concierge Tech</p>
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<p style="text-align: right;">Page 192</p> <p>1 2 CONTINUED EXAMINATION 3 BY MR. LEWIS: 4 Q. Good morning, Dr. Levitt. 5 A. Good morning, give me one 6 second, I just want to pin you, if I can 7 pin you, there we go, great. 8 Good morning. 9 Q. And I will pin you. 10 Dr. Levitt, what did you do 11 between the time that we adjourned last 12 night at 6 and this morning with respect 13 to preparing for today's session? 14 A. Blissfully, nothing. 15 Q. Doctor, before we begin today, 16 I'm going to make a request. 17 We want to move forward as 18 expeditiously as possible, as I'm sure you 19 do as well. 20 I have a lot to cover, there 21 are a lot of other lawyers in the room 22 that also have things to cover. 23 I'm going to ask you please to 24 answer my questions as concisely as you 25 can; if you don't understand a question,</p>	<p style="text-align: right;">Page 194</p> <p>1 LEVITT 2 A. I don't recall referring to 3 anything as a confidential process, but if 4 you're referring to the process that is 5 actually pursued to go about the process 6 of a designation that I described, yes, 7 that's what we discussed yesterday. 8 Q. That is a confidential 9 interagency process, there are no 10 outsiders there, are there? 11 A. Confidential is a term of trade 12 in government, so I think I'm hearing it 13 differently maybe than you're intending 14 it. 15 That's not a term, to my 16 knowledge, we used yesterday; I think 17 that's being introduced now. 18 But, correct, it is an 19 interagency process within the government. 20 Q. And there is discussion of 21 classified information in the context of 22 that process, correct? 23 A. Correct. 24 Q. And everyone at the meeting has 25 a security clearance in order to hear that</p>
<p style="text-align: right;">Page 193</p> <p>1 LEVITT 2 tell me that you don't understand it. 3 You may well think there is a 4 better question out there, but I'm going 5 to ask my questions and I'm going to ask 6 you to please be as direct and responsive 7 as possible because I don't want to have 8 to cut you off and say that you've gone 9 beyond the question. 10 Is that clear, sir? 11 A. I'll do my best. 12 Q. Thank you. 13 Dr. Levitt, yesterday we 14 discussed the legal standard of reason to 15 believe, which is the standard that is 16 applied by the Department of the Treasury 17 in making its listing decisions, do you 18 recall that colloquy? 19 A. Yes. 20 Q. And do you recall that you also 21 testified about the process that you 22 followed, the confidential process that 23 you viewed as, and described, as a robust 24 confidential process, do you recall that 25 testimony?</p>	<p style="text-align: right;">Page 195</p> <p>1 LEVITT 2 and discuss that classified information, 3 correct? 4 A. Correct. 5 Q. In terms of your description of 6 the process, there are no public sources 7 that can be relied on with respect to what 8 goes on in that process other than your 9 statement as a participant as to how that 10 process works, correct? 11 MR. HAEFELE: Objection to 12 form. 13 A. I am not sure I understand the 14 question. 15 Q. Is there a public document that 16 we can refer to as to how the Department 17 of the Treasury applies its process in 18 reviewing the classified information, in 19 reaching designation decisions, other than 20 what you have stated in your report? 21 MR. HAEFELE: Objection to 22 form. 23 A. I don't think that there is a 24 government document. 25 I don't know if other people</p>

<p style="text-align: right;">Page 196</p> <p>1 LEVITT</p> <p>2 who have been involved in the process have</p> <p>3 discussed it the same way I have.</p> <p>4 The process as we have</p> <p>5 discussed it is not itself a classified</p> <p>6 matter, which is why I'm able to discuss</p> <p>7 it.</p> <p>8 Q. You talked yesterday about</p> <p>9 whether you had reviewed depositions that</p> <p>10 had been taken in this case of fact</p> <p>11 witnesses, do you recall that, sir?</p> <p>12 A. Yes.</p> <p>13 Q. And you said that you had been</p> <p>14 given certain portions of depositions by</p> <p>15 counsel, do you recall that?</p> <p>16 A. Yes.</p> <p>17 Q. Now, you don't refer to those</p> <p>18 depositions in your report, but you do</p> <p>19 refer to a portion of one deposition in</p> <p>20 your rebuttal report.</p> <p>21 Do you recall that, sir?</p> <p>22 A. Not offhand, but I take your</p> <p>23 word for it.</p> <p>24 Q. Did you receive the portions of</p> <p>25 the deposition that you referred to after</p>	<p style="text-align: right;">Page 198</p> <p>1 LEVITT</p> <p>2 Q. Did you check and make sure</p> <p>3 that it was complete and comprehensive?</p> <p>4 A. I don't remember doing a</p> <p>5 side-by-side, but -- and I don't remember</p> <p>6 exactly when it was prepared.</p> <p>7 Most cases I've testified in</p> <p>8 have not required reliance supports so I</p> <p>9 don't particularly prepare one when I</p> <p>10 write my report, so it is possible that it</p> <p>11 was prepared afterwards, I don't remember</p> <p>12 on the timing.</p> <p>13 Q. Did you provide information to</p> <p>14 the lawyers for them to use in compiling</p> <p>15 the reliance chart?</p> <p>16 A. I'm sure.</p> <p>17 Q. Did you make any amendments to</p> <p>18 the reliance chart either to add or</p> <p>19 subtract information that was in the</p> <p>20 reliance chart?</p> <p>21 A. No.</p> <p>22 Q. Dr. Levitt, I am going to move</p> <p>23 on now to some other topic and I have just</p> <p>24 a few more questions about methodology.</p> <p>25 You have emphasized in your</p>
<p style="text-align: right;">Page 197</p> <p>1 LEVITT</p> <p>2 you prepared your initial report?</p> <p>3 A. I don't recall the timing.</p> <p>4 Q. If I represent to you that in</p> <p>5 your reliance chart it doesn't reference</p> <p>6 any fact depositions in this case, would</p> <p>7 that refresh your recollection as to when</p> <p>8 you looked at depositions in this case?</p> <p>9 A. Probably, yeah.</p> <p>10 Q. And so if you had seen them</p> <p>11 before you prepared your report, it would</p> <p>12 be in your reliance chart; and if you</p> <p>13 hadn't seen them, it wouldn't be in the</p> <p>14 reliance chart, is that fair?</p> <p>15 MR. HAEFELE: Objection to</p> <p>16 form.</p> <p>17 A. To the extent that the reliance</p> <p>18 charts are accurate, yes.</p> <p>19 Q. Did you prepare your reliance</p> <p>20 chart?</p> <p>21 A. I believe actually that the</p> <p>22 lawyers prepared the reliance charts.</p> <p>23 Q. Did you review the reliance</p> <p>24 chart before you submitted your report?</p> <p>25 A. I believe so.</p>	<p style="text-align: right;">Page 199</p> <p>1 LEVITT</p> <p>2 written work the importance of following</p> <p>3 the money in understanding terrorist</p> <p>4 finance.</p> <p>5 Do you recall your writings in</p> <p>6 this area?</p> <p>7 A. Is there a specific writing</p> <p>8 you're referring to?</p> <p>9 Q. Yes, I can give you a reference</p> <p>10 to an article called Follow the Money:</p> <p>11 Leveraging Financial Intelligence to</p> <p>12 Combat Transnational Threats, that you</p> <p>13 published in 2011, do you recall that</p> <p>14 article?</p> <p>15 A. Yes, that's an article</p> <p>16 specifically about financial intelligence.</p> <p>17 Q. I can show you the article if</p> <p>18 you'd like, but I would like to just read</p> <p>19 you a sentence and ask you whether you</p> <p>20 continue to agree with what you wrote</p> <p>21 then.</p> <p>22 A. If you could show me the</p> <p>23 article, that would be great.</p> <p>24 Q. Okay, if you prefer that, I</p> <p>25 will show you the article; it is G in your</p>

<p style="text-align: right;">Page 212</p> <p>1 LEVITT</p> <p>2 that's what it is.</p> <p>3 They're useful documents for</p> <p>4 research.</p> <p>5 Q. It is relevant to know who</p> <p>6 wrote a document, correct?</p> <p>7 A. When you can, yes, it's helpful</p> <p>8 to know; there can be other circumstances,</p> <p>9 so if a document was found in the</p> <p>10 Abbottabad complex, that tells you</p> <p>11 something about the document, and if you</p> <p>12 don't know ultimately who wrote it, that</p> <p>13 can still be of some use because of where</p> <p>14 it was found, but maybe not as useful as</p> <p>15 if you knew who the actual author was.</p> <p>16 Q. Have you used the Harmony</p> <p>17 database in the course of your work over</p> <p>18 the years?</p> <p>19 A. I have sometimes, yes.</p> <p>20 MR. LEWIS: I'd like to mark now</p> <p>21 three documents, which are Exhibit H I</p> <p>22 believe in our queue and ask for them to</p> <p>23 be presented, marked as Exhibit 2007, and</p> <p>24 ask as well that they be put on the screen</p> <p>25 for Dr. Levitt to review.</p>	<p style="text-align: right;">Page 214</p> <p>1 LEVITT</p> <p>2 you.</p> <p>3 MR. CARTER: Eric, it's Sean;</p> <p>4 are these documents that were subject of</p> <p>5 some motion practice initiated by the IIRO</p> <p>6 and Muslim World League earlier in the</p> <p>7 case?</p> <p>8 MR. LEWIS: They are, they are</p> <p>9 in the reliance chart and I just want to</p> <p>10 ask him about whether he has reviewed them</p> <p>11 and relied on them, yes; so the answer to</p> <p>12 that is yes.</p> <p>13 MR. CARTER: Okay, thank you.</p> <p>14 Q. Doctor, these are documents</p> <p>15 which are listed in your reliance chart,</p> <p>16 it's your Exhibit B, it's Exhibit 2001,</p> <p>17 page 104, and I can refer you to that.</p> <p>18 You have your hard copy of your</p> <p>19 report?</p> <p>20 A. I do have a hard copy of my</p> <p>21 report.</p> <p>22 Q. It is on page 12 of your</p> <p>23 Exhibit B, Matthew Levitt Reliance Chart,</p> <p>24 and I will direct you --</p> <p>25 A. That I don't have in hard copy,</p>
<p style="text-align: right;">Page 213</p> <p>1 LEVITT</p> <p>2 They are Arabic documents with</p> <p>3 translations attached.</p> <p>4 (Defendants' Exhibit 2007,</p> <p>5 Arabic documents with translations</p> <p>6 attached, was marked for identification,</p> <p>7 as of this date.)</p> <p>8 A. Is this one file put up on the</p> <p>9 screen or two different --</p> <p>10 Q. These are one exhibit that</p> <p>11 contain three letters or that contain</p> <p>12 three Arabic documents with translations</p> <p>13 and I would like you to review them.</p> <p>14 I presume you will review the</p> <p>15 English translations, but you can review</p> <p>16 them as you like.</p> <p>17 I just ask you to look at them</p> <p>18 and then we will discuss them.</p> <p>19 (Witness perusing document.)</p> <p>20 MR. HAEFELE: What's the</p> <p>21 exhibit numbers or number?</p> <p>22 MR. LEWIS: It is Exhibit 2007.</p> <p>23 THE TECH CONCIERGE: It should</p> <p>24 be in the marked exhibits folder now.</p> <p>25 MR. HAEFELE: I have it, thank</p>	<p style="text-align: right;">Page 215</p> <p>1 LEVITT</p> <p>2 I just have the actual reports, but I can</p> <p>3 pull it up.</p> <p>4 Q. Perhaps it can be pulled up if</p> <p>5 it would be useful to you or you can pull</p> <p>6 it up yourself, whatever is quicker.</p> <p>7 A. Did you say Exhibit B as in</p> <p>8 boy?</p> <p>9 Q. Exhibit B to the Reliance</p> <p>10 Chart, which is page A 104 in Exhibit</p> <p>11 2001.</p> <p>12 MR. HAEFELE: Just to be clear,</p> <p>13 it is Exhibit B to the report, correct?</p> <p>14 MR. LEWIS: Exhibit B to the</p> <p>15 report, it appears at Defendants' Exhibit</p> <p>16 2001 at page 104.</p> <p>17 A. What page number is it on the</p> <p>18 page of the actual exhibit?</p> <p>19 Q. 12.</p> <p>20 A. Hold on one second, I'm getting</p> <p>21 there.</p> <p>22 Q. I can direct you to where those</p> <p>23 three documents are.</p> <p>24 A. Okay, I am on page 12.</p> <p>25 Q. They are the sixth item there,</p>

8 (Pages 212 - 215)

<p style="text-align: right;">Page 216</p> <p>1 LEVITT</p> <p>2 July 12, 1999, letter from the main</p> <p>3 regional office of the IITO, it says, I</p> <p>4 think that's a typo, the IIRO.</p> <p>5 A. Okay, I see that.</p> <p>6 Q. And then if we count down 12,</p> <p>7 March 16, 1999 -- sorry, 13 -- March 20,</p> <p>8 2000, letter, from general director of</p> <p>9 MWL's branch office in Pakistan, then we</p> <p>10 count down three more, the May 13th, 1999,</p> <p>11 letter from the main regional office of</p> <p>12 the IIRO in Peshawar.</p> <p>13 A. I see that.</p> <p>14 Q. Do you remember reviewing these</p> <p>15 documents in the course of preparing your</p> <p>16 expert report?</p> <p>17 A. Not specifically.</p> <p>18 I think these are included here</p> <p>19 because they were among documents that</p> <p>20 were provided for me for review.</p> <p>21 In all likelihood I did review</p> <p>22 them, but I don't specifically recall.</p> <p>23 Q. Were they provided to you by</p> <p>24 counsel?</p> <p>25 A. They would have been, yes.</p>	<p style="text-align: right;">Page 218</p> <p>1 LEVITT</p> <p>2 to be marked as 2008 an order of the</p> <p>3 court, which is Exhibit I in the queue.</p> <p>4 (Defendants' Exhibit 2008,</p> <p>5 order entered in this case, was marked for</p> <p>6 identification, as of this date.)</p> <p>7 Q. And ask you whether you have</p> <p>8 seen this document before; it is a</p> <p>9 one-and-a-half page document.</p> <p>10 (Witness perusing document.)</p> <p>11 A. Can we go to the second page of</p> <p>12 the screen, thank you.</p> <p>13 (Witness perusing document.)</p> <p>14 A. Okay.</p> <p>15 Q. Have you seen this document</p> <p>16 before, sir?</p> <p>17 A. I see it.</p> <p>18 Q. Have you seen it before today?</p> <p>19 A. No.</p> <p>20 Q. Were you aware of its contents</p> <p>21 before today?</p> <p>22 A. No.</p> <p>23 Q. Let's move on to your report,</p> <p>24 your principal report, which is Exhibit</p> <p>25 2001, and I'd like to direct your</p>
<p style="text-align: right;">Page 217</p> <p>1 LEVITT</p> <p>2 Q. Do they factor into your</p> <p>3 opinion?</p> <p>4 A. I think it's safe to say yes;</p> <p>5 that doesn't mean they're included in my</p> <p>6 report, but they're included in the</p> <p>7 reliance chart because they are materials</p> <p>8 that were provided to me as I was drafting</p> <p>9 my report.</p> <p>10 Q. I would like to move on to your</p> <p>11 report, the substance of your report, and</p> <p>12 start at page -- I ask you to refer to</p> <p>13 Exhibit -- I'm sorry, before I move on,</p> <p>14 my team is telling me that I've been over</p> <p>15 hasty yet again.</p> <p>16 Are you aware, sir, that there</p> <p>17 was litigation with respect to the</p> <p>18 authenticity and provenance of the</p> <p>19 documents that we just discussed?</p> <p>20 A. No.</p> <p>21 Q. Are you aware that an order was</p> <p>22 entered in this case with respect to those</p> <p>23 documents?</p> <p>24 A. No.</p> <p>25 MR. LEWIS: I am going to ask</p>	<p style="text-align: right;">Page 219</p> <p>1 LEVITT</p> <p>2 attention to page 6 of the report, which I</p> <p>3 think will be page 6 of the exhibit.</p> <p>4 I would like to direct your</p> <p>5 attention to the first paragraph under</p> <p>6 Expert Opinions, under Al Qaeda</p> <p>7 Background.</p> <p>8 MR. LEWIS: And please don't</p> <p>9 mark it in yellow, thank you.</p> <p>10 A. I have the hard copy in front</p> <p>11 of me, so if I'm looking down, that's why.</p> <p>12 Q. Okay, whatever is easier for</p> <p>13 you.</p> <p>14 A. We have been doing this all</p> <p>15 day, I think it might be easier on the</p> <p>16 eyes, when I can -- the only documents I</p> <p>17 have are my two reports.</p> <p>18 Q. That's fine, and eye contact is</p> <p>19 not easy virtually, I think we've all</p> <p>20 learned that in the last year.</p> <p>21 You say, "Although originally</p> <p>22 founded to facilitate the movement of the</p> <p>23 Islamist fighters to Afghanistan as the</p> <p>24 Afghan Services Bureau, or Makhtab al</p> <p>25 Khidamat (MEK), Al Qaeda became an</p>